

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

DONALD W. THORNTON,

Debtor.

:
:
: **CHAPTER 13**
:
: **BANKRUPTCY NO. 17-16397**
:
:

**STIPULATION AND AGREED ORDER RELATING TO THE DEBTOR
FILING NEW BANKRUPTCY PROCEEDING**

This Stipulation and Agreed Order (the “Order”) is made between Donald W. Thornton (the “Debtor”), and the Montgomery County Tax Claim Bureau (“MCTCB” or collectively, the “Parties”), by and through their respective undersigned counsel, and the Debtor having filed a motion for leave of Court to file a new Chapter 13 Case (the “Motion”) and MCTCB having filed an objection to that Motion, the Parties stipulate and it is hereby Ordered as follows:

WHEREAS, the Debtor has filed three prior bankruptcy cases; 04-13914-DWS (dismissed for failure to make plan payments); 05-18822-DWS (dismissed for failure to make plan payments); and 07-14129-MDC (voluntarily dismissed and referred to as the “Third Bankruptcy Case”); and

WHEREAS, in connection with the Third Bankruptcy Case, the Debtor consented to an order being entered on October 1, 2007 [Docket No. 24 in the Third Bankruptcy Case] stating that if the Third Bankruptcy Case was “dismissed for any reason, it shall be with prejudice; debtor(s) shall be prohibited from filing, individually or jointly, any subsequent bankruptcy case without prior approval of the Court;” and

WHEREAS, on or about September 11, 2017, the Debtor filed the Motion on an expedited basis for the purpose of avoiding the Upset Sale of his real property by MCTCB on September 21, 2017; and

WHEREAS, on the day of the hearing on the Motion, the Debtor made representations that he had experienced a change in circumstances which would allow him to fund a confirmable Chapter 13 Plan that would, *inter alia*, pay MCTCB's allowed secured claim in full with statutory interest; and

WHEREAS, in an effort to avoid the cost of further litigation and the uncertainty of a ruling by the Bankruptcy Court on the Motion, the Parties hereto have determined that settlement of the issues raised by the Motion is in the best interests of each of the Parties ~~and of the Debtor~~.

AND NOW, THEREFORE, each of the Parties hereto, intending to be legally bound, hereby STIPULATE, AGREE and request a COURT ORDER as follows:

1. In exchange for the withdrawal of the Objection and the entry of an Order permitting the Debtor to file a Chapter 13 Bankruptcy [Docket No. 84 in the Third Bankruptcy Case], The Debtor hereby agrees and the Court so Orders that if the Debtor's current bankruptcy case is dismissed for any reason, it shall be with prejudice and the Debtor shall be prohibited from filing, individually or jointly, any subsequent bankruptcy case for a period of 180 days without prior approval of the Court.

2. This Consent Order shall be effective without any further reference to its terms in any subsequent dismissal of this case to bar the Debtor from filing a subsequent bankruptcy as set forth above.

3. This Consent Order shall remain effective in the event that this Chapter 13 bankruptcy case is converted to any other chapter of the Bankruptcy Code for any reason.

4. Except as set forth above, MCTCB retains all rights in this bankruptcy case, including, but not limited to, the right to file a proof of claim, object to the confirmation of the Debtor's Chapter 13 Plan, move for relief from the automatic stay, move to dismiss the bankruptcy case or object to the Debtor's discharge.

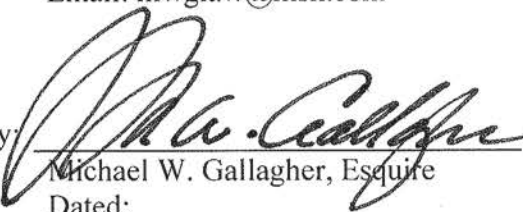
5. The Parties respectfully request Bankruptcy Court's approval of this Stipulation and the entry of the proposed form of Order.


Counsel to Donald W. Thornton

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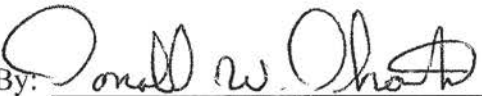
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Dated:

By: 
Michael D. Vagnoni, Esquire
Dated:

Donald W. Thornton
613 Northampton Road
Norristown, PA 19403

By: 
Donald W. Thornton
Dated: 10-27-17

ORDER

AND NOW, this ~~this~~ day of October, 2017, this Consent Order and Stipulation is hereby approved and entered as an Order by the Bankruptcy Court.

Date: 11/20/17


ERIC L. FRANK
United State Bankruptcy Judge